

REMARKS

Claims 1-5 were examined and reported in the Office Action. Claims 1-5 are rejected. Claim 1 is amended. Claims 1-5 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. § 102(e)

It is asserted in the Office Action that claim 1 is rejected under 35 U.S.C. § 102(e), as being anticipated by U. S. Patent No. 6,807,235 issued to Yano et al ("Yano"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant's amended claim 1 contains the limitations of

recognizing a request for data transmission by a mobile station RRC (Radio Resource Control) or a base station RRC using a network transfer device, by which the mobile station RRC or the base station RRC can recognize the request for data transmission using the network transfer device in a state where recognition of the request for data transmission is disabled, the method comprising: (a) the mobile station RRC setting the network transfer device of the base station in a suspend state to recognize a request for data transmission from an up/ link or the base station RRC setting the network transfer device of the mobile station in a suspend state to recognize a request for data transmission from a down link; (b) the network transfer device in the suspend state sending a message to the mobile/base station RRC to inform the

mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to an up link, and the network transfer device of the base station in the suspend state sending a message to the base station RRC to inform the mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to a down link; (c) the mobile station RRC or the base station RRC recognizing the request for data transmission according to a received message from the network transfer device and transiting to an active state.

Yano discloses a wireless communication apparatus including a plurality of signal processing blocks, a buffer memory and a clock control part. The clock control part supplies a clock signal to the subsequent signal processing block in the case that at least one of the plurality of signal processing blocks detects data to be processed. Distinguishable, in Applicant's claimed invention the state of a mobile station and base station transits by an interaction between the mobile station and base station. For example, a network transfer device of a base station transits to the suspend state by a message from an RRC of a mobile station, and the network transfer device of the base station transmits a message to the RRC of the mobile station when it recognizes a request for data transmission. Then, the RRC of the mobile station transits to the active state, and the network transfer device of the base station transits to the active state by the RRC of the mobile station.

Further, Yano discloses a technique for the reduction of power consumption of the wireless communication apparatus itself. By contrast, in Applicant's claimed invention the state of the mobile/base station can be transitioned through message transmission between the RRC and the network transfer device.

Moreover, Yano does not teach, disclose or suggest Applicant's amended claim 1 limitations of

(a) the mobile station RRC setting the network transfer device of the base station in a suspend state to recognize a request for data transmission from an up/ link or the base station RRC setting the network transfer device of the mobile station in a suspend state to recognize a request for data transmission from a down link; (b) the network transfer device in the suspend state sending a message to the mobile/base station RRC to inform the mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to an up link, and the network transfer device of the base station in the suspend state sending a message to the base station RRC to inform the mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to a down link; (c) the mobile station RRC or the base station RRC recognizing the request for data transmission according to a received message from the network transfer device and transiting to an active state.

Therefore, since Yano does not disclose, teach or suggest all of Applicant's amended claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(e) has not been adequately set forth relative to Yano. Thus, Applicant's amended claim 1 is not anticipated by Yano.

Accordingly, withdrawal of the 35 U.S.C. § 102(e) rejection for claim 1 is respectfully requested.

II. 35 U.S.C. § 103(a)

It is asserted in the Office Action that claims 4 and 5 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over Yano in view of U. S. Publication No. 2001/005298 issued to Baker ("Baker"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142

[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Further, according to MPEP §2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974))." *"All words in a claim must be considered in judging the patentability of that claim against the prior art."* (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

Applicant's claims 4-5 directly depend on amended claim 1. Applicant has addressed Yano above in section I regarding amended claim 1. As asserted above, Yano does not teach, disclose or suggest Applicant's amended claim 1 limitations of

(a) the mobile station RRC setting the network transfer device of the base station in a suspend state to recognize a request for data transmission from an up/ link or the base station RRC setting the network transfer device of the mobile station in a suspend state to recognize a request for data transmission from a down link; (b) the network transfer device in the suspend state sending a message to the mobile/base station RRC to inform the mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to an up link, and the

network transfer device of the base station in the suspend state sending a message to the base station RRC to inform the mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to a down link; (c) the mobile station RRC or the base station RRC recognizing the request for data transmission according to a received message from the network transfer device and transiting to an active state.

Baker discloses a system for providing wireless access to packet data networks. In particular, Baker discloses a wireless access integrated node (WAIN) that eliminates unnecessary intermediate protocols contained in multi-node hierarchical network architecture while preserving standard external interfaces. Further, Baker discloses that RLC and PDCP are used to transfer wireless data. Therefore, the general concept of Baker is distinguishable from Applicant's claimed invention as Baker discloses that the RLC and PDCP are used to transfer wireless data.

Moreover, even if Baker were combined with Yano, the resulting invention would still not disclose, teach or suggest Applicant's amended claim 1 limitations of

(a) the mobile station RRC setting the network transfer device of the base station in a suspend state to recognize a request for data transmission from an up/ link or the base station RRC setting the network transfer device of the mobile station in a suspend state to recognize a request for data transmission from a down link; (b) the network transfer device in the suspend state sending a message to the mobile/base station RRC to inform the mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to an up link, and the network transfer device of the base station in the suspend state sending a message to the base station RRC to inform the mobile station RRC that it recognizes the request for data transmission in the case of recognizing the request for data transmission to a down link; (c) the mobile station RRC or the base station RRC recognizing the request for data transmission according to a received message from the network transfer device and transiting to an active state.

Thus, neither Yano, Baker, and therefore, nor the combination of the two, teach, disclose or suggest the limitations contained in Applicant's amended claim 1, as listed above. Since

neither Yano, Baker, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's amended claim 1, Applicant's amended claim 1 is not obvious over Yano in view of Baker since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the claims that directly depend from amended claim 1, namely claims 4-5, would also not be obvious over Yano in view of Baker for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 4 and 5 are respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-5 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on October 4, 2006, Applicant respectfully petitions the Commissioner for a one (1) month extension of time, extending the period for response to February 5, 2007 (February 4, 2007 being a Sunday). The Commissioner is hereby authorized to charge payment to Deposit Account No. 02-2666 in the amount of \$60.00 to cover the petition filing fee for a 37 C.F.R. 1.27(a)(1) small entity. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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Dated: February 5, 2007

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.


Jean Svoboda

Date: February 5, 2007